

GOVERNMENT OF TELANGANA
ABSTRACT

Higher Education Department - Telugu Akademi – Smt. C. Srividya and Sri S.Bhoopal Reddy, Survey Assistant, Telugu Akademi, Hyderabad – Promoted as Research Assistants with retrospective effect from the date on which their immediate Junior was promoted with all consequential benefits of pay fixation and seniority subject to the result of the WPs filed by them and subject to the condition that the next roster point for Survey Assistant intended for OC shall be earmarked for OC-Visually Handicapped (Women) in lieu of the Roster point 6, against which Sri S.Bhoopal Reddy was appointed as Survey Assistant – Orders – Issued.

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HIGHER EDUCATION (MC) DEPARTMENT

G.O.Rt.No. 120

Dated: 09-07-2019.
Read the following:-

1. From Sri S.Bhoopal Reddy, Survey Assistant, Telugu Akademi, Hyderabad, Letter dt:18.01.2017 received through CMO's Note dt:21.01.2017.
2. Govt.Letter No.403/IE/A2/2017, dt:28.01.2017.
3. Letter from the Director, Telugu Akademi, No.10/TA/Admn./2017, dt:03.02.2017.
4. Govt.Letter No.403/IE/A2/2017, dt:21.04.2017.
5. Letter from the Director, Telugu Akademi, No.10/TA/Admn./2017, dt:29.04.2017.
6. Govt. Letter No.403/IE/A2/2017, dt.25.07.2018.
7. Letter from the Director, Telugu Akademi, No.18/TA/Admn./2017-1, dt.31.07.2018.
8. Govt. Letter No.403/IE/A2/2017, dt.15.10.2018.
9. Letter from the Director, Telugu Akademi, No.18/TA/Admn./2017-2, dt.23.10.2018.
10. From the Spl. Secretary to CM Note No.210/Imp/Spl.Secy(CM)/18, dt.19.12.2018.

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ORDER:

Sri S. Bhoopal Reddy, Survey Assistant, Telugu Akademi, Hyderabad vide reference 1st read above, has requested the Government to do the justice to him and recent developments created a mental agony by giving promotion to 6 employees who are juniors to him and requested to promote him as Research Assistant with retrospective effect from the date on which their immediate Junior was promoted with all consequential benefits of pay fixation.

2. The Director, Telugu Akademi when consulted in the matter vide reference 3rd read above has stated that 48th Board meeting conducted on 16.12.1996, Akademi sought permission to appoint 3 Survey Assistant Posts (Linguistics) in Research & Survey Department to complete survey programme (data collection) in the districts survey. In accordance with the decision of the 48th Board meeting dated 16.12.1996, and interviews conducted by the Selection committee on 19.04.1999. The following three candidates were selected on contract basis initially for a period of 2 years through Proc. No.12/T.A/Admn/99, dated: 10.01.2000:-

Sl. No.	Name of the Candidate	Date of Joining
1	C. Srividya	11.01.2000
2	S. Bhoopal Reddy	24.01.2000
3	D. Narsing Rao	14.01.2000

Later on one candidate in the above mentioned S.No.3 D. Narsing Rao left the job. As the Districts Survey work was not completed, the contract period of Smt.C.Srividya and Sri S. Bhoopal Reddy were extended for one more year vide proceedings No.205/TA/Admn./A1/2001, dt:20.12.2001 and No.206/TA/Admn./A1/ (P.T.O.)

2001, dt:20.12.2001 respectively. Later through proceeding No.52/TA/Admn./A1/2003, dt:26.04.2003 and 53/TA/Admn./A1/2003, dt:26.04.2003 their contract period was further extended for fourth Year respectively. In the same way they got extension for the fifth year also. Hence both Smt C. Srividya and Sri S. Bhoopal Reddy have rendered five years of service.

3. Further, the Director, Telugu Akademy has stated that while the matter stood thus, as there is a need for permanent staff on regular basis was felt by the Akademi on 9.1.2004, 108th Standing committee meeting on administrative affairs was held and the matter was put in the said meeting. They said that "if it is needed please submit the proposals to the Government". In accordance with the resolutions of the 108th standing committee meeting, a Letter No.33/TA/ESTT/A.2004 dated: 13.7.2004 was submitted to the Government for regularization of Smt.C.Srividya & Sri S.Bhoopal Reddy working on contract basis. In response to this, the Government in GO.Rt.No.44, Higher Education Department, dated:24.01.2005 ordered the Akademi to take further necessary action to regularize the services of Smt.C.Srividya and Sri S.Bhoopal Reddy duly following the bye-laws of the Akademi.

4. The Director, Telugu Akademi has further stated that, the following rules and bye-laws have to be followed to appoint candidates for the post of Survey Assistant on direct recruitment:-

"8 (b) (i) Appointments to the posts in the Akademi shall be made

- 1. By direct recruitment through open advertisement*
- 2. By promotion (or)*
- 3. By deputation from any department of the Government of Andhra Pradesh or from any other Institution (or)*
- 4. On contract basis.*

As per the bye-laws 8(b) (iii), for the regular recruitment roster system must also be followed.

8(b) (iii) Appointment by direct recruitment should made in the order of rotation laid down in G.O.Ms.No.1793, Education, dated:23.9.1970.

The applicants should not exceed 34 years of age while following this direct recruitment.

As per Telugu Akademi bye-laws 8(b) (i) applications should be invited for interview. As suggested by the Finance Department these candidates can be treated as internal candidates while conducting interview."

5. The Director, Telugu Akademi has further stated that to implement the G.O.Rt.No.44, Higher Education Department, dated:24.01.2005, Smt.C.Srividya and Sri S.Bhoopal Reddy were appointed on temporary basis in regular posts through office proceedings No.10/TA/Admn/A1/ 2004 dated:9.2.2005 in the pay scale 5,980 – 12,100 as per 1999 RPS. They have joined in the service on 10.2.2005. As per Government rule the appointments up to the roster point 4 have been completed. Hence, the next appointments should be as per following roster order:-

1. Roster point 5 (OC)
2. Roster point 6 (OC - women blind)

6. Further the Director, Telugu Akademy has stated that in roster point 5 (OC) Smt. C.Srividya and roster point 6 (OC - women blind) Sri S.Bhoopal Reddy were appointed as regular employees and at that time both of them have crossed 34 years of age. At that time Smt. Srividya had 36 years 11 months and Sri S.Bhoopal Reddy had 39 years 2 months.

7. In these matter of appointments, AP Handicapped Youth Welfare Society in their letter dt:23.11.2006 raised objection that according to 1995 Act, in all Government Departments, 3% reservation allocated to handicapped should be followed, and expressed their descent for recruiting non handicapped candidate into reserved post (handicapped).

8. Later on Smt.C.Srividya & Sri S.Bhoopal Reddy through their letters dt:30.1.2010 & dt:8.1.2010 respectively have requested to merge their contract period of service to the present regular service and regularize their services and also made necessary promotions to the vacant posts.

9. Based on the above representations, the then Director has submitted a proposal to the Government for clarification as to from which date their services have to be regularized vide Letter No.21/TA/Admn/A1/2010, dt:18.3.2010. In reply, the Government in its Memo No.4307/IE.2.2/2010, dated:15/7/2010 Stated that their services cannot be regularized from the date of their employment i.e., 14.01.2000 and 24.1.2000 respectively and also advised to take necessary action duly following the G.O Rt. No.44, Higher Education Department, dated:24.01.2005. Based on the advise of the Government, the then Director had directed to take legal opinion of Stand Council of Telugu Akademi to regularize their services, to avoid legal, administrative and departmental problems in future.

10. The issue has been referred to the then standing council Smt. Ch. Bharati Devi, Advocate for legal opinion and she gave her opinion that Smt.C.Srividya and Sri S.Bhoopal Reddy are no way eligible to get their services regularized, as they were appointed against the Telugu Akademi Bye-law and roster points and advised to take further necessary action as per the Bye-laws of Telugu Akademi.

11. Again Akademi's Standing Council Sri S.M.Subhan, Advocate in response to Akademi's letter dt:12.9.2011 gave his opinion through letter dt:21.01.2012 that Smt C. Srividya and S. Bhoopal Reddy who have been working as survey Assistants for the past 10 years and also stated that their services are deemed to be regularized and are eligible for their probation to be declared.

12. Meanwhile Smt C. Srividya and Sri S. Bhoopal Reddy have filed WP 6070/2015 before the Hon'ble High Court about their probation, regularization and promotion. The Hon'ble High Court in its orders dt.11.03.2015 has given following interim orders:-

"The respondent will consider the request to the petitioners for regularization of their services, in as much as they have rendered services for nearly ten years and hence, appropriate orders be communicated in that regard within a maximum period of two months from the date of receipt of a copy of this order."

13. In response to Hon'ble High Court orders, mentioned that their service regularization, probation can't be take up. In this connection filed a counter on 1.6.2015. Later C. Srividya and S. Bhoopal Reddy have filed writ petition to enable them to get promotion. This is pending with the court.

14. Meanwhile Smt C. Srividya and Sri S. Bhoopal Reddy filed another WP 28967/2016 before Hon'ble High Court regarding their seniority and not including their names in the DPC for the promotion to Research Assistant. In turn the Hon'ble High Court on 30.8.2016 postponed the case for two weeks ordering the on going promotions should be according to the court orders. Accordingly Akademi through its standing council filed a WP in this regard. The case is pending in the court.

15. Government after careful examination of the matter, hereby accord permission to Director, Telugu Academy for promotion to Smt. C. Srividya and Sri S.Bhoopal Reddy, Survey Assistants, Telugu Akademi, Hyderabad as Research Assistants with retrospective effect from the date on which their immediate Junior was promoted with all consequential benefits of pay fixation and seniority subject to the result of the WPs filed by them and subject to the condition that the next roster point for Survey Assistant intended for OC shall be earmarked for OC-Visually Handicapped (Women) in lieu of the Roster point 6, against which Sri S.Bhoopal Reddy was appointed as Survey Assistant.

(P.T.O.)

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16. This orders issues with the concurrence of Finance Department vide U.O.No.3606/62/A2/HRM.I/2019, dt.05.07.2019.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA STATE)

Dr.B.JANARDHAN REDDY
SECRETARY TO GOVERNMENT

To

The Director, Telugu Akademy, Hyderabad.

The Director of Treasuries and Accounts, Telangana, Hyderabad

The Pay & Accounts Officer, Telangana, Hyderabad.

The Accountant General, Telnagana State, Hyderabad.

Copy to:

The Finance Department.

The Law Department.

The Women Child Disabled and Senior Citizens Department.

The General Administration Department.

SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER